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SUBJECT: INSTRUCTIONS AND EOVS FOR ITEM L. 30 -- BELARUSIAN  
RETALIATORY RESOLUTION ON SITES AND FLIGHTS

REF: LEATHAM - HUGHES EMAIL 11/09/06 AT 8:50 PM

1. (U) This cable contains instructions and EOVS for item  
L. 30. Please see paras. 3 - 5.

2. (U) It should be noted that this is a retaliatory  
resolution tabled by Belarus to embarrass the U.S. We  
have been intensely lobbying other countries through two  
global demarches to vote against the resolution.

3. (U) Mission is instructed to propose an amendment to OP1(d)  
from the floor. After the words "their basic legal guarantees"  
the following should be added:  
"including the right not to be kidnapped, placed in secret  
detention, tortured and executed for being a member of your

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country's political opposition."

4. (U) Mission is then instructed to call for a vote and vote no on item L. 30. If the resolution is defeated, no/no EOY should be delivered. If the resolution is adopted, then the explanation of vote contained in para. 3 should be delivered. Furthermore, if/if item L. 40 (U.S. sponsored resolution against Belarus) is not adopted or is withdrawn from consideration due to a procedural motion, USUN is requested to also deliver points contained in para 5.

5. (U) Begin Explanation of Vote text.

Sadly, the Government of Belarus is using this resolution to deflect attention from its poor human rights record.

Elements of this resolution have already been dealt with in a more thoughtful, balanced way in resolutions that have long been on the General Assembly's agenda, which [have been adopted] [are being considered] this session, and which the United States supports. These include Mexico's resolution on protecting human rights while countering terrorism and Denmark's resolution on torture. The Belarusian resolution on these topics is duplicative, unbalanced and contradictory to these other resolutions. The United States must as a consequence oppose this resolution.

The United States has been unequivocal in its condemnation of unlawful detention. The United States is specifically concerned, however, that the resolution is open to the misinterpretation that classified detention is unlawful under all circumstances. Detentions carried out under the law of war may under certain circumstances be conducted in classified locations. For example, Article 5 of the Fourth Geneva Convention permits the detention of spies and saboteurs without communication where absolute military security requires it. Similarly, there is no requirement in the Geneva conventions of notice or access to detained individuals who are neither prisoners of war, nor protected persons.

6. Begin text to be used if the resolution against Belarus fails due to a no-action procedural motion or on the merits.

As we are in the closing hours of this session of the Third Committee, it is difficult to ignore the regrettable fact that this body[, through the procedural artifice of a no-action resolution,] has refused to even substantively

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consider the serious and systematic human rights abuses of the sponsor of this resolution, while at the same time accommodating that country by adopting a resolution brought in the spirit of retaliation, which is both redundant of and substantively less accurate than work already done by this Committee.

None of this sends an encouraging signal to victims of human rights abuses around the world who properly look to this institution for confirmation that the United Nations notices or cares about their suffering.

End text.

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